

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

FIRST TRENTON INDEMNITY
COMPANY,

Plaintiff,

Civ. No. 10-2588 (DRD)

v.

ORDER

CHRYSLER INSURANCE COMPANY, ET
AL.

Defendants.

This matter having come before the Court on a Motion to Remand submitted pursuant to 28 U.S.C. § 1447(c) by Plaintiff, First Trenton Indemnity Company (“First Trenton”); and Defendants Chrysler Insurance Company (“CIC”) and DCFS Trust (“DCFS”) having moved pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss the claims asserted against them by First Trenton; and the Court having considered the submissions and oral arguments of the parties; and for the reasons set forth in the Opinion of even date;

IT IS on this 20th of September, 2010, hereby ORDERED as follows:

- (1) First Trenton’s Motion to Remand is DENIED;
- (2) CIC and DCFS’s Motion to Dismiss is GRANTED in part and DENIED in part;
- (3) First Trenton’s request for declaratory judgment that CIC was an insurer of Moran may proceed, but to the extent that First Trenton alleges that CIC was Moran’s “primary” insurer, that claim is dismissed with prejudice;

(4) First Trenton's request for declaratory judgment that CIC may not pursue an indemnification suit against Moran for the portion of the settlement it paid on behalf of DCFS is dismissed with prejudice.

s/ Dickinson R. Debevoise
DICKINSON R. DEBEVOISE, U.S.S.D.J.